

AMENDED IN ASSEMBLY MAY 25, 2006

AMENDED IN SENATE APRIL 17, 2006

SENATE BILL

No. 1587

Introduced by Senator Lowenthal

February 24, 2006

An act to amend ~~Section 65080~~ *Sections 65080 and 66513* of the Government Code, and to amend Sections 182.7, 2331, 2333, and 2333.5 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1587, as amended, Lowenthal. Transportation planning: highway safety: federal funds.

(1) Existing law requires transportation planning agencies to adopt and submit an updated regional transportation plan to the California Transportation Commission and the Department of Transportation every 3 years, except that a transportation planning agency that does not contain an urbanized area may, at its option, submit an updated plan every 4 years.

This bill would instead require a transportation planning agency to submit an updated regional transportation plan every 4 years, except that a transportation planning agency located in a federally designated air quality attainment area or that does not contain an urbanized area could, at its option, submit an updated plan every 5 years.

(2) *Existing federal law provides appropriations of congestion mitigation and air quality program funds for certain transportation purposes. Existing law requires the Department of Transportation to apportion these funds by federal formula to metropolitan planning organizations or transportation planning agencies for expenditure on*

eligible projects, and these funds are available for expenditure during 3 federal fiscal years, including the year of apportionment.

This bill would require the department to provide specific apportionments for the 2007 and 2008 federal fiscal years for the Monterey Bay and Santa Barbara regions.

(2)

(3) Existing federal law contains appropriations for a number of programs related to projects for the improvement of highway safety and the reduction of traffic congestion. Existing state law authorizes certain state and local entities to secure and expend the federal funds for these purposes.

This bill would make changes to the federal law references in these provisions to conform to recent changes in federal law.

(4) *The bill would make other related changes.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65080 of the Government Code is
2 amended to read:

3 65080. (a) Each transportation planning agency designated
4 under Section 29532 or 29532.1 shall prepare and adopt a
5 regional transportation plan directed at achieving a coordinated
6 and balanced regional transportation system, including, but not
7 limited to, mass transportation, highway, railroad, maritime,
8 bicycle, pedestrian, goods movement, and aviation facilities and
9 services. The plan shall be action-oriented and pragmatic,
10 considering both the short-term and long-term future, and shall
11 present clear, concise policy guidance to local and state officials.
12 The regional transportation plan shall consider factors specified
13 in Section 134 of Title 23 of the United States Code. Each
14 transportation planning agency shall consider and incorporate, as
15 appropriate, the transportation plans of cities, counties, districts,
16 private organizations, and state and federal agencies.

17 (b) The regional transportation plan shall include all of the
18 following:

19 (1) A policy element that describes the transportation issues in
20 the region, identifies and quantifies regional needs, and describes
21 the desired short-range and long-range transportation goals, and

1 pragmatic objective and policy statements. The objective and
2 policy statements shall be consistent with the funding estimates
3 of the financial element. The policy element of transportation
4 planning agencies with populations that exceed 200,000 persons
5 may quantify a set of indicators including, but not limited to, all
6 of the following:

7 (A) Measures of mobility and traffic congestion, including, but
8 not limited to, vehicle hours of delay per capita and vehicle miles
9 traveled per capita.

10 (B) Measures of road and bridge maintenance and
11 rehabilitation needs, including, but not limited to, roadway
12 pavement and bridge conditions.

13 (C) Measures of means of travel, including, but not limited to,
14 percentage share of all trips (work and nonwork) made by all of
15 the following:

16 (i) Single occupant vehicle.

17 (ii) Multiple occupant vehicle or carpool.

18 (iii) Public transit including commuter rail and intercity rail.

19 (iv) Walking.

20 (v) Bicycling.

21 (D) Measures of safety and security, including, but not limited
22 to, total injuries and fatalities assigned to each of the modes set
23 forth in subparagraph (C).

24 (E) Measures of equity and accessibility, including, but not
25 limited to, percentage of the population served by frequent and
26 reliable public transit, with a breakdown by income bracket, and
27 percentage of all jobs accessible by frequent and reliable public
28 transit service, with a breakdown by income bracket.

29 (F) The requirements of this section may be met utilizing
30 existing sources of information. No additional traffic counts,
31 household surveys, or other sources of data shall be required.

32 (2) An action element that describes the programs and actions
33 necessary to implement the plan and assigns implementation
34 responsibilities. The action element may describe all projects
35 proposed for development during the 20-year life of the plan.

36 The action element shall consider congestion management
37 programming activities carried out within the region.

38 (3) (A) A financial element that summarizes the cost of plan
39 implementation constrained by a realistic projection of available
40 revenues. The financial element shall also contain

1 recommendations for allocation of funds. A county transportation
2 commission created pursuant to Section 130000 of the Public
3 Utilities Code shall be responsible for recommending projects to
4 be funded with regional improvement funds, if the project is
5 consistent with the regional transportation plan. The first five
6 years of the financial element shall be based on the five-year
7 estimate of funds developed pursuant to Section 14524. The
8 financial element may recommend the development of specified
9 new sources of revenue, consistent with the policy element and
10 action element.

11 (B) The financial element of transportation planning agencies
12 with populations that exceed 200,000 persons may include a
13 project cost breakdown for all projects proposed for development
14 during the 20-year life of the plan that includes total expenditures
15 and related percentages of total expenditures for all of the
16 following:

- 17 (i) State highway expansion.
- 18 (ii) State highway rehabilitation, maintenance, and operations.
- 19 (iii) Local road and street expansion.
- 20 (iv) Local road and street rehabilitation, maintenance, and
21 operation.
- 22 (v) Mass transit, commuter rail, and intercity rail expansion.
- 23 (vi) Mass transit, commuter rail, and intercity rail
24 rehabilitation, maintenance, and operations.
- 25 (vii) Pedestrian and bicycle facilities.
- 26 (viii) Environmental enhancements and mitigation.
- 27 (ix) Research and planning.
- 28 (x) Other categories.

29 (c) Each transportation planning agency may also include
30 other factors of local significance as an element of the regional
31 transportation plan, including, but not limited to, issues of
32 mobility for specific sectors of the community, including, but not
33 limited to, senior citizens.

34 (d) Except as otherwise provided in this subdivision, each
35 transportation planning agency shall adopt and submit, every four
36 years, an updated regional transportation plan to the California
37 Transportation Commission and the Department of
38 Transportation. A transportation planning agency located in a
39 federally designated air quality attainment area or that does not
40 contain an urbanized area may at its option adopt and submit a

regional transportation plan every five years. When applicable, the plan shall be consistent with federal planning and programming requirements and shall conform to the regional transportation plan guidelines adopted by the California Transportation Commission. Prior to adoption of the regional transportation plan, a public hearing shall be held; after the giving of notice of the hearing by publication in the affected county or counties pursuant to Section 6061.

SEC. 2. Section 66513 of the Government Code is amended to read:

66513. The regional transportation plan shall be subjected to continuous review by the commission, with revisions prepared as the need may arise. The commission shall adopt ~~biennial~~ revisions to the plan, consistent with Section 65080.

SEC. 3. Section 182.7 of the Streets and Highways Code is amended to read:

182.7. (a) Notwithstanding Sections 182 and 182.5, Sections 188, 188.8, and 825 do not apply to the expenditure of an amount of federal funds equal to the amount of federal funds apportioned to the state pursuant to subsection (b)(2) of Section 104 of Title 23 of the United States Code. These funds shall be known as the congestion mitigation and air quality program funds and shall be expended in accordance with Section 149 of Title 23 of the United States Code. The department, the transportation planning agencies, and the metropolitan planning organizations may do all things necessary in their jurisdictions to secure and expend those federal funds in accordance with the intent of federal law and this chapter.

(b) The congestion mitigation and air quality program funds, including any funds to which subsection (c) of Section 110 of Title 23 of the United States Code, as added by subdivision (a) of Section 1310 of Public Law 105-178, applies, shall be apportioned by the department to the metropolitan planning organizations designated pursuant to Section 134 of Title 23 of the United States Code and, in areas where none has been designated, to the transportation planning agency established by Section 29532 of the Government Code. The funds shall be apportioned to metropolitan planning organizations and transportation planning agencies responsible for air quality conformity determinations in federally designated air quality

1 nonattainment and maintenance areas within the state in the
2 manner and in accordance with the formula set forth in
3 subsection (b)(2) of Section 104 of Title 23 of the United States
4 Code. Funds apportioned under this subdivision shall remain
5 available for three federal fiscal years, including the federal fiscal
6 year apportioned. *Notwithstanding the foregoing, the formula for*
7 *distributing apportionments made to metropolitan planning*
8 *organizations and transportation planning agencies eligible for*
9 *funding according to subsection (b)(2) of Section 104 of Title 23*
10 *of the United States Code shall, for the 2007 and 2008 federal*
11 *fiscal years, provide apportionments for the Monterey Bay and*
12 *Santa Barbara regions such that each shall receive 50 percent of*
13 *its 2005 apportionment in federal fiscal year 2007 and 25*
14 *percent of its 2005 apportionment in federal fiscal year 2008.*

15 (c) Notwithstanding subdivision (b), where county
16 transportation commissions have been created by Division 12
17 (commencing with Section 130000) of the Public Utilities Code,
18 all congestion mitigation and air quality program funds shall be
19 further apportioned by the metropolitan planning organization to
20 the county transportation commission on the basis of relative
21 population within the federally designated air quality
22 nonattainment and maintenance areas after first apportioning to
23 the nonattainment and maintenance areas in the manner and in
24 accordance with the formula set forth in subsection (b)(2) of
25 Section 104 of Title 23 of the United States Code.

26 In the Monterey Bay region, all congestion mitigation and air
27 quality improvement program funds shall be further apportioned,
28 on the basis of relative population, by the metropolitan planning
29 organization to the regional transportation planning agencies
30 designated under subdivision (b) of Section 29532 of the
31 Government Code.

32 (d) The department shall notify each metropolitan planning
33 organization, transportation planning agency, and county
34 transportation commission receiving an apportionment under this
35 section, as soon as possible each year, of the amount of
36 obligational authority estimated to be available for expenditure
37 from the federal apportionment. The metropolitan planning
38 organizations, transportation planning agencies, and county
39 transportation commissions, in cooperation with the department,
40 congestion management agencies, cities and counties, and

1 affected transit operators, shall select and program projects in
2 conformance with federal law. Each metropolitan planning
3 organization and transportation planning agency shall, not later
4 than August 1 of each even-numbered year beginning in 1994,
5 submit its transportation improvement program prepared
6 pursuant to Section 134 of Title 23 of the United States Code to
7 the department for incorporation into the state transportation
8 improvement program.

9 (e) Not later than July 1 of each year, the metropolitan
10 planning organizations and the regional transportation planning
11 agencies receiving obligational authority under this section, shall
12 notify the department of the projected amount of obligational
13 authority that each entity intends to use during the remainder of
14 the current federal fiscal year, including, but not limited to, a list
15 of projects that will use the obligational authority. Any federal
16 obligational authority that will not be used shall be redistributed
17 by the department to other projects in a manner that ensures that
18 the state will continue to compete for and receive increased
19 obligational authority during the federal redistribution of
20 obligational authority. If the department does not have sufficient
21 federal apportionments to fully use excess obligational authority,
22 the metropolitan planning organization or transportation planning
23 agency relinquishing obligational authority shall make sufficient
24 apportionments available to the department to fund alternate
25 projects, when practical, within the geographical areas
26 relinquishing the obligational authority. Notwithstanding this
27 subdivision, the department shall comply with subsection (f) of
28 Section 133 of Title 23 of the United States Code.

29 (f) The department shall be responsible for closely monitoring
30 the use of federal transportation funds, including congestion
31 management and air quality funds to assure full and timely use.
32 The department shall prepare a quarterly report for submission to
33 the commission regarding the progress in use of all federal
34 transportation funds. The department shall notify the commission
35 and the appropriate implementation agency whenever there is a
36 failure to use federal funds within the three-year apportionment
37 period established under subdivision (b).

38 (g) The department shall provide written notice to
39 implementing agencies when there is one year remaining within

1 the three-year apportionment period established under
2 subdivision (b).

3 (h) Within six months of the date of notification required
4 under subdivision (g), the implementing agency shall provide to
5 the department a plan to obligate funds that includes, but need
6 not be limited to, a list of projects and milestones.

7 (i) If the implementing agency has not met the milestones
8 established in the implementation plan required under
9 subdivision (h), prior to the end of the three-year apportionment
10 period established under subdivision (b), the commission shall
11 redirect those funds for use on other transportation projects in the
12 state.

13 (j) Congestion mitigation and air quality program funds
14 available under this section exchanged pursuant to Section 182.8
15 may be loaned to and expended by the department. The
16 department shall repay from the State Highway Account to the
17 Traffic Congestion Relief Fund all funds received as federal
18 reimbursements for funds exchanged under Section 182.8 as they
19 are received from the Federal Highway Administration, except
20 that those repayments are not required to be made more
21 frequently than on a quarterly basis.

22 ~~SEC. 2.~~

23 *SEC. 4.* Section 2331 of the Streets and Highways Code, as
24 amended by Section 1 of Chapter 392 of the Statutes of 2004, is
25 amended to read:

26 2331. (a) The Highway Safety Act of 1973 (23 U.S.C. Sec.
27 401 et seq.) has authorized appropriations for a number of
28 programs relating to projects for the improvement of highway
29 safety and the reduction of traffic congestion. These programs
30 consist of the rail-highway crossings program (Section 203 of the
31 Highway Safety Act of 1973), the pavement marking
32 demonstration program (23 U.S.C. Sec. 151), projects for
33 high-hazard locations, including, but not limited to, projects for
34 bicycle and pedestrian safety and traffic calming measures in
35 those locations (23 U.S.C. Sec. 148), program for the elimination
36 of roadside obstacles (23 U.S.C. Sec. 153), and the federal-aid
37 safer roads demonstration program (23 U.S.C. Sec. 405). The
38 purpose of this chapter is to implement these programs in this
39 state. The commission, the department, boards of supervisors,
40 and city councils are authorized to do all things necessary in their

1 respective jurisdictions to secure and expend federal funds in
2 accordance with the intent of that federal act and this chapter,
3 and to coordinate with local law enforcement agencies'
4 community policing efforts.

5 (b) This section shall remain in effect only until January 1,
6 2008, and as of that date is repealed, unless a later enacted
7 statute, that is enacted before January 1, 2008, deletes or extends
8 that date.

9 ~~SEC. 3.~~

10 *SEC. 5.* Section 2331 of the Streets and Highways Code, as
11 amended by Section 2 of Chapter 392 of the Statutes of 2004, is
12 amended to read:

13 2331. (a) The Highway Safety Act of 1973 (~~21~~ 23 U.S.C.
14 Sec. 401 et seq.) has authorized appropriations for a number of
15 programs relating to projects for the improvement of highway
16 safety and the reduction of traffic congestion. These programs
17 consist of the rail-highway crossings program (Section 203 of the
18 Highway Safety Act of 1973), the pavement marking
19 demonstration program (23 U.S.C. Sec. 151), projects for
20 high-hazard locations (23 U.S.C. Sec. 148), program for the
21 elimination of roadside obstacles (23 U.S.C. Sec. 153), and the
22 federal-aid safer roads demonstration program (23 U.S.C. Sec.
23 405). The purpose of this chapter is to implement these programs
24 in this state. The commission, the department, boards of
25 supervisors, and city councils are authorized to do all things
26 necessary in their respective jurisdictions to secure and expend
27 those federal funds in accordance with the intent of the federal
28 act and of this chapter.

29 (b) This section shall become operative on January 1, 2008.

30 ~~SEC. 4.~~

31 *SEC. 6.* Section 2333 of the Streets and Highways Code, as
32 amended by Section 3 of Chapter 392 of the Statutes of 2004, is
33 amended to read:

34 2333. (a) In each annual proposed budget prepared pursuant
35 to Section 165, there shall be included an amount equal to the
36 estimated apportionment available from the federal government
37 for the programs described in Sections 2331 and 2333.5. The
38 commission may allocate a portion of those funds each year for
39 use on city streets and county roads. For projects authorized
40 under Section 2333.5 and receiving funding under this section,

1 the department may substitute State Highway Account funds in
2 accordance with the department's policy for state funding in
3 place at the time of the project fund allocation, if those federal
4 funds are directed to projects on state highways that are eligible
5 for funding under Section 148 of Title 23 of the United States
6 Code. It is the intent of the Legislature that the commission
7 allocate the total amount received from the federal government
8 for all of the programs described in Sections 2331 and 2333.5 in
9 a manner that, over a period of five years, makes not less than
10 one million dollars (\$1,000,000) of those funds available for use
11 pursuant to Section 2333.5 and the remaining funds available for
12 use in approximately equal amounts on state highways, local
13 roads, and the program established under Section 2333.5. In
14 addition, it is the intent of the Legislature that the commission
15 shall apportion for use, in financing the railroad grade separation
16 program described in Section 190, a substantial portion of the
17 funds received pursuant to the federal rail-highway crossings
18 program. Notwithstanding any other provision of law, the share
19 of any railroad of the cost of maintaining railroad crossing
20 protection facilities funded, in whole or in part, by funds
21 described in Section 2331 shall be the same share it would be if
22 no federal funds were involved and the crossing protection
23 facilities were funded pursuant to an order of the Public Utilities
24 Commission pursuant to Section 1202 of the Public Utilities
25 Code; and in case of dispute, the Public Utilities Commission
26 shall determine that share pursuant to this section.

27 (b) This section shall remain in effect only until January 1,
28 2008, and as of that date is repealed, unless a later enacted
29 statute, that is enacted before January 1, 2008, deletes or extends
30 that date.

31 ~~SEC. 5.~~

32 *SEC. 7.* Section 2333.5 of the Streets and Highways Code is
33 amended to read:

34 2333.5. (a) The department, in consultation with the
35 Department of the California Highway Patrol, shall establish and
36 administer a "Safe Routes to School" construction program
37 pursuant to the authority granted under Section 148 of Title 23 of
38 the United States Code and shall use federal transportation funds
39 for construction of bicycle and pedestrian safety and traffic
40 calming projects.

1 (b) The department shall make grants available to local
2 governmental agencies under the program based on the results of
3 a statewide competition that requires submission of proposals for
4 funding and rates those proposals on all of the following factors:

5 (1) Demonstrated needs of the applicant.

6 (2) Potential of the proposal for reducing child injuries and
7 fatalities.

8 (3) Potential of the proposal for encouraging increased
9 walking and bicycling among students.

10 (4) Identification of safety hazards.

11 (5) Identification of current and potential walking and
12 bicycling routes to school.

13 (6) Consultation and support for projects by school-based
14 associations, local traffic engineers, local elected officials, law
15 enforcement agencies, school officials, and other relevant
16 community stakeholders.

17 (c) With respect to the use of funds provided in subdivision
18 (a), prior to the award of any construction grant or the
19 department's use of those funds for a "Safe Routes to School"
20 construction project encompassing a freeway, state highway or
21 county road, the department shall consult with, and obtain
22 approval from, the Department of the California Highway Patrol,
23 ensuring that the "Safe Routes to School" proposal compliments
24 the California Highway Patrol's Pedestrian Corridor Safety
25 Program and is consistent with its statewide pedestrian safety
26 statistical analysis.

27 (d) The department shall continue to study the effectiveness of
28 the program established under this section, and shall submit, on
29 or before March 1, 2007, a report of its findings to the
30 Legislature. The report shall include, but need not be limited to,
31 the following elements:

32 (1) An evaluation of the program's impact on accident, injury,
33 and fatality rates involving pedestrians or bicycles in the vicinity
34 of the projects. As a subset, this element shall specifically
35 address impacts on rates of fatalities and injuries to children.

36 (2) An evaluation of the program's impact on rates of
37 bicycling and walking as modes of transportation to or from
38 schools located in the vicinity of the projects.

39 (3) An evaluation of the potential safety effects of spending
40 the program funds on other state and local safety programs,

1 including a comparison of the relative safety effects of spending
2 the available funds on the “Safe Routes to School” construction
3 program or on the state and local highway safety programs and,
4 to the extent possible within that comparison, the impacts on
5 rates of fatalities and injuries to children.

6 (e) The department is encouraged to coordinate with local law
7 enforcement agencies’ community policing efforts in establishing
8 and maintaining the “Safe Routes to School” construction
9 program.

10 (f) This section shall remain in effect only until January 1,
11 2008, and as of that date is repealed, unless a later enacted
12 statute, that is enacted before January 1, 2008, deletes or extends
13 that date.